

**ORIGINAL**  
**E-File**

**ORDINANCE 2010 - 09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SUNNYSIDE, WASHINGTON, AMENDING  
CHAPTER 13.20 OF THE SUNNYSIDE MUNICIPAL CODE  
TO PROVIDE FOR LOW INCOME SENIOR CITIZEN &  
LOW INCOME DISABLED CITIZEN SPECIAL UTILITY RATES**

**WHEREAS**, the City Council previously adopted Chapter 13.20 of the Sunnyside Municipal Code establishing the rates for water and sewer utility service; and

**WHEREAS**, in the current Municipal Code there are two different income thresholds for determining who may qualify for a low income senior citizen rate and a low income disabled citizen rate; and

**WHEREAS**, the definition for low income disabled rate is based on household income not exceeding 125% of the federally established poverty level for Yakima County based on the number of persons residing in the household; and

**WHEREAS**, the definition for low income senior citizen rate is based on a citizens ability to qualify for a property tax exemption as set forth in RCW 84.36.381(5)(b); and

**WHEREAS**, Washington state law allows a city to determine the criteria for what income level would qualify for a special utility rate; and

**WHEREAS**, establishing a unified definition of low income for both the senior citizen and disabled would allow for better understanding by the public and ease of administration, and

**WHEREAS**, City staff recommends that the City of Sunnyside adopt the same standard for determining low income as utilized by the State of Washington and Yakima County for granting exemption from certain property taxes,

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**Section 1.** Sunnyside Municipal Code section 13.20.110 is hereby amended to read as follows:

**13.20.110 Low-income senior citizen and low-income disabled citizen special utility rates – Eligibility – Application.**

A. Minimum Age – Senior Citizen. A person who wishes to apply for the low-income senior citizen special utility rate must be 62 years of age or older on or before the thirty-first of January of the year of his or her application. Proof of age must be presented at the time of application.

B. Proof of Disability – Disabled Citizen. A person who wishes to apply for the low-income disabled citizen special utility rate must qualify for and be entitled to receive special parking privileges established pursuant to RCW 46.16.381(1)(a) through (f), or be blind as defined in RCW 74.18.020(4). Proof of such disability must be presented at the time of application.

C. Utility Account. At the time of the application, the person making the application must reside on the property being served and the utility account must be in the applicant's name. Persons in federally subsidized housing are not eligible for low-income senior citizen and low-income disabled citizen special utility rates.

D. Low Income. A person who wishes to apply for a low-income senior citizen or low-income disabled citizen special utility rate, in addition to the above, must qualify for and be entitled to the exemption from regular real property taxes as set forth in RCW 84.36.381(5)(b)(i) or (ii). Proof of such exemption must be presented at the time of application. Appropriate tax statements issued by Yakima County establishing such exemption shall be satisfactory proof of eligibility for the special utility rate.

E. Application and Processing. The City Manager of the City shall be authorized and empowered to implement the procedures for application and processing of requests for low-income senior citizen and low-income disabled citizen special utility rates and to adjust the discount rate as set forth in subsection (F) of this section. The application for low-income senior citizen or low-income disabled citizen special utility rate must be filed annually with the City Finance Department prior to the thirty-first of March of each year and, if approved, shall be effective for the year of application until the following thirty-

first of March. Any filing of an application after the thirty-first of March of any year shall apply only to utility accounts mailed after the date of filing and shall not be applied retroactively.

F. Discount Rate. The low-income senior citizen and low-income disabled citizen special utility rate shall consist of the applicable water and sewer rates set forth above adjusted and reduced by the following amounts:

Effective January 1, 2008\*

Water – \$5.30 reduction (base rate)

Sewer – \$9.21 reduction (base rate)

Effective January 1, 2009\*

Water – \$5.83 reduction (base rate)

Sewer – \$11.05 reduction (base rate)

Effective January 1, 2010\*

Water – \$6.06 reduction (base rate)

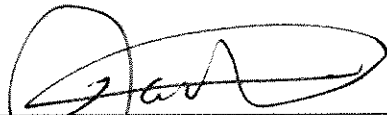
Sewer – \$12.15 reduction (base rate)

**Section 5.** Except as amended herein, Chapter 13.20 of the Sunnyside Municipal Code shall remain unchanged.

**Section 6.** If a section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 7.** This ordinance shall be effective five days after passage, approval and publication as required by law.

**PASSED** this 12<sup>th</sup> day of April, 2010.

  
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JAMES A. RESTUCCI, MAYOR

ATTEST:

  
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DELILAH CYR, DEPUTY CITY CLERK

APPROVED AS TO FORM:

  
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Menke Jackson Beyer Ehlis & Harper, LLP  
Attorneys at Law